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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: TORTURE AND DETENTION

Written statement*/ submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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ENG

Chaining and shackling of prisoners in Thailand

1. According to article 7 of the International Covenant on Civil and Political Rights (ICCPR), no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Further, article 16 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) determines that each State Party shall undertake to prevent – in any territory under its jurisdiction – acts of cruel, inhuman or degrading treatment or punishment when such acts are committed by, at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity.

2. In Thailand, the present practice of chaining and shackling of prisoners is tantamount to cruel, inhuman and degrading treatment, in violation of these norms, despite Thailand having acceded to the ICCPR. It also violates article 31 of Thailand's Constitution, which states that, "Torture or any kind of inhumane punishment is prohibited."

3. Anyone visiting the area at the court complex in Bangkok where the accused are kept while waiting for their cases to be heard can see how cruelly and animal-like they are treated. Despite being held in well-locked large cells, prisoners are shackled with iron chains and handcuffed to each other. Perhaps this chaining, shackling and handcuffing is a part of Thailand's past, when cultural practices permitted society to treat prisoners or accused as non-persons. But this practice does no credit to a country that is trying to emerge as a respected nation in the region. Thailand's recent industrial growth has allowed it to improve court complexes, courtrooms and facilities for judges and lawyers. However these significant improvements will attract little attention if the quality of justice is reduced to sheer disregard for basic standards of treating prisoners and accused.

4. In the Asian region, judges of some countries have intervened to correct the situation and lay down rules for more humane treatment of prisoners and accused. In many Asian states, prisoners cannot even be handcuffed except for special reason, such as past escape attempts or a violent history.

5. Although Thailand is going through a period of democratization and is trying to become a role model for Southeast Asia, it also has outstanding fundamental obligations to fulfill in meeting international human rights standards. It has not yet ratified the CAT. Article 10 of that Convention obliges state parties to ensure that education and information regarding the prohibition against degrading and inhuman treatment are fully included in the training of law enforcement personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. Article 11 obliges

systematic reviews of methods, practices and arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment.

6. While the Government of Thailand should ratify the CAT, above all it should implement the fundamental principles in the Convention through effective reforms and the type of education programmes obliged by the above articles. It should also ratify the two optional protocols of the ICCPR, enabling Thai citizens to seek redress from international authorities, such as the Human Rights Committee, in the event of human rights violations.